

SEVENTY-FIRST DAY

(Tuesday, May 21, 1957)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Conference Committee Report
on House Bill 169**

Senator Bracewell submitted the following Conference Committee Report on H. B. No. 169:

Austin, Texas,
May 14, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 169, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

**BRACEWELL
PHILLIPS
BRADSHAW
FLY
ROBERTS**

On the part of the Senate.

**BAKER
OSBORN
SMITH of Hays
ELLIS
DEWEY**

On the part of the House.

H. B. No. 169:

**A BILL
TO BE ENTITLED**

"An Act authorizing out-patient clinics and establishing and providing for a community hospital for research and education in mental illness; for a large mental hospital and for out-patient clinics; regulating and providing for the operation of same; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Statement of Purposes and Public Policies

Section 1. It is the sense of the Legislature that the Board for Texas State Hospitals and Special Schools be authorized to establish such out-patient clinics for treating the mentally ill as such Board deems necessary and as funds for their operation are made available; and that a total mental health program be established in a given area of this State which shall consist of the following: 1) An area or community hospital of approximately sixty (60) beds to be used for treating the mentally ill and for research, training, and education in treating mental illness and an out-patient clinic which may be operated in conjunction with the community hospital; the out-patient clinics to be authorized and the community hospital and clinic to be provided for this Act; and 2) A separate larger mental hospital of approximately five hundred (500) beds.

Authorization for Out-Patient Clinics

Section 2. The Board for Texas State Hospitals and Special Schools is authorized to establish out-patient clinics for treatment of the mentally ill in such locations as deemed necessary by said Board and as money for their operation shall be made available. The Board shall acquire facilities, provide a staff, make rules and regulations, and make contracts with persons, corporations, and agencies of local, state, and federal governments as shall be necessary for the establishment and operation of said clinics.

Establishment of Community or Research Hospitals

Section 3. There shall be constructed, established, and maintained an area or community hospital of approximately sixty (60) beds to be used in treating the mentally ill and for research, training, and education in mental illness and an out-patient clinic which may be operated in conjunction with the community hospital. Such hospital and clinic shall be located within a city where a recognized medical center is located and operating. The Board for Texas State Hospitals and Special Schools shall designate the city and select a site or sites therein for the location of said community hospital and out-patient clinic. Such site or sites shall be accessible and convenient to the local medical center and shall contain sufficient land served by adequate utilities to meet the requirements of said hospital and out-patient clinic. Said Board shall take title to the land or lands so selected by them in the name of the State of Texas for the use and benefit of said hospital and clinic; provided, that the Attorney General's Department shall first approve the title to the land or lands so selected by the Board.

Location and Construction of Mental Hospital

Section 4. The Board for Texas State Hospitals and Special Schools shall select the site for said mental hospital, and the Board, in selecting such site, shall make such selection with a view to its accessibility and convenience to the greatest number of inhabitants and available medical facilities, and the same shall contain sufficient land and have utilities readily available. Said Board shall take title to the land so selected by them in the name of the State of Texas for the use and benefit of said hospital; provided, however, that the Attorney General's Department shall first approve the title to the land so selected by the Board. There shall be constructed upon said grounds so selected permanent, suitable, substantial, and fireproof buildings sufficient in all respects to be used for the treatment of the mentally ill; said buildings are to be provided with modern improvements for furnishing water, heat, ventilation, and sewerage.

Preparation of Plans

Section 5. The Board for Texas State Hospitals and Special Schools

shall proceed, within the limits of legislative appropriation of funds, to prepare plans and specifications for said buildings; and said Board is authorized to make contracts with such persons, corporations, or agencies of state, local, and federal governments, and to accept gifts or grants of land as said Board deems proper and necessary to effect the purposes of this Act within the limits of appropriations authorized therefor.

Personnel; Patients

Section 6. Upon the completion of the buildings and facilities for either or both of said research hospital or the larger separate mental hospital, the Board for Texas State Hospitals and Special Schools shall appoint such personnel as are necessary to operate and maintain such hospital and clinic and to adequately treat such patients as are admitted, within the limits of legislative appropriations. The Board for Texas State Hospitals and Special Schools shall admit patients to the area or community hospital and shall provide for their care and maintenance under the same applicable laws, rules and regulations as govern the admission and care of mentally ill persons provided for in the General Laws of the State of Texas governing institutions for the care of the mentally ill. The out-patient clinic shall be operated under such rules and regulations as the Board may promulgate.

The Board for Texas State Hospitals and Special Schools is hereby authorized, in its discretion, to operate and maintain such hospital and clinic as a part of such other hospital as may be constructed or operated by the Board.

Appropriation

Section 7. There is hereby appropriated to the Board for Texas State Hospitals and Special Schools such federal funds as the U. S. Government may grant for the construction of such buildings, and such other funds as may be given or granted by any State agency, foundation, estate, or individual, and said Board is authorized and directed to obtain and expend such funds as may become available for the programs and facilities authorized by this Act.

Temporary Facilities

Section 8. Until such hospital and clinic is constructed, the Board for Texas State Hospitals and Special

Schools is hereby authorized to rent, or accept and use, such temporary facilities as are available and necessary for the establishment of research, training, and treatment activities at such location or locations as may be selected by the Board.

Emergency

Section 9. The importance of this legislation creates an emergency and a case of imperative public necessity; therefore, the Constitutional Rule requiring bills to be read on three several days in each House is suspended, and this Act shall take effect on September 1, 1957.

The report was read and was adopted by the following vote:

Yeas—29

Aikin	Martin
Ashley	Moffett
Bracewell	Owen
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Absent

Hazlewood Moore

Conference Committee Report on House Joint Resolution 3

On motion of Senator Parkhouse and by unanimous consent the Conference Committee Report submitted on Thursday, April 11, 1957 on H. J. R. No. 3 was laid before the Senate.

The report was adopted by the following vote:

Yeas—30

Aikin	Hudson
Ashley	Kazen
Bracewell	Krueger
Bradshaw	Lane
Colson	Lock
Fly	Martin
Fuller	Moffett
Gonzalez	Moore
Hardeman	Owen
Herring	Parkhouse

Phillips	Secrest
Ratliff	Smith
Reagan	Weinert
Roberts	Willis
Rogers	Wood

Absent

Hazlewood

Conference Committee Report on House Bill 153

Senator Parkhouse submitted the following Conference Committee Report on H. B. No. 153:

Austin, Texas,
May 16, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 153, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

PARKHOUSE
HARDEMAN
FULLER
SMITH
HERRING

On the part of the Senate.

SAUL
SHAW
MATTHEW
DE LA GARZA
SADLER

On the part of the House.

H. B. No. 153:

A BILL TO BE ENTITLED

"An Act amending Section 19 of Chapter 25, Acts of the Thirty-ninth Legislature, Regular Session, 1925, as amended by Section 4 of Chapter 107, Acts of the Fortieth Legislature, First Called Session, 1927 (Codified as Article 7880-19) so as to prescribe the procedure for granting or refusing a petition for the organization of a water control and improvement district; authorizing the Board or Court to exclude from the proposed district lands that will not be benefited; continuing in effect by repeating the existing law governing creation of underground water districts; providing

a saving clause; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 19 of Chapter 25, Acts of the Thirty-ninth Legislature, Regular Session, 1925, as amended by Section 4 of Chapter 107, Acts of the Fortieth Legislature, First Called Session, 1927 (codified in Vernon's Texas Civil Statutes as Article 7880-19), is hereby amended to read as follows:

"Section 19. Granting or Refusing Petition.

"If it shall appear on hearing by the Commissioners Court or the Board of Water Engineers, as the case may be, that the organization of a district as prayed for is feasible and practicable, that the lands to be included and the residents thereof will be benefited thereby, that there is a public necessity or need therefor, and that the creation of such district would further the public welfare, then the Commissioners Court or Board shall grant the petition; otherwise, the Court or Board shall refuse to grant the petition. Provided, however, that if the Court or Board finds that any of the lands sought to be included in the proposed district will not be benefited by inclusion in such district, the Court or Board may exclude such lands not to be benefited and shall redefine the boundaries of the proposed district to include only those lands that will receive benefits from such district.

The foregoing provisions shall not be applicable to underground water conservation districts seeking creation pursuant to the provisions of House Bill No. 162, Acts, Fifty-first Legislature, Regular Session, 1949, Chapter 306 (codified as Article 7880-3c), as heretofore or as may be hereafter amended. Such underground water conservation districts seeking creation shall be governed by the following provisions: If it shall appear on hearing by the Commissioners Court or the Board of Water Engineers, as the case may be, that the organization of an underground water conservation district as prayed for is feasible and practicable, that it would be a benefit to the land to be included therein, and be a public benefit, or utility, the Commissioners Court or Board shall so find and grant the pe-

tition. If the court or Board should find that such proposed district is not feasible or practicable, would not be a public benefit or utility, or would not be a benefit to the land to be included therein, or is not needed, the Court or Board shall refuse to grant the petition.

Sec. 2. If any Article, section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such invalid portion shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed the valid portions of the Act irrespective of the fact that any one or more portions be declared unconstitutional.

Sec. 3. The fact that the present law does not permit the Commissioners Court and Board of Water Engineers to exercise sufficient discretion in granting or refusing to grant petitions for the creation of water control and improvement districts, the need for the Court and Board to have greater latitude in its orders authorizing creation of such districts so that the general public can benefit thereby, and the desire to leave undisturbed the present law governing underground water conservation districts, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

**Conference Committee Report on
House Bill 103**

Senator Aikin submitted the following Conference Committee Report on H. B. No. 103:

Austin, Texas,
May 17, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B.

No. 103, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

AIKIN
COLSON
SMITH
ROBERTS
LANE

On the part of the Senate.

DUGAS
SMITH of Hays
WOOLSEY
MARTIN
LATIMER

On the part of the House.

H. B. No. 103:

**A BILL
TO BE ENTITLED**

An Act providing for the transfer of one per cent (1%) of the total Permanent School Fund to the Available School Fund each year for a period of three years, subject to a stated limitation on the total amount transferred; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The State Comptroller of Public Accounts is hereby directed to transfer One Per Cent (1%) of the total value of the Permanent School Fund to the Available School Fund for the support of public schools. Such transfer shall be made between August 15 and August 31 of the fiscal years ending August 31, 1957, August 31, 1958, and August 31, 1959, respectively, provided that the total amount transferred for the three years shall not exceed the income from annual delay rentals on oil, gas and other mineral leases accruing to the Permanent School Fund from September 1, 1953, to August 31, 1959.

Sec. 2. The importance of this legislation to the people of the State of Texas, and the crowded condition of the calendars in both Houses of the Legislature, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect and be in force from and after September 1, 1957.

The report was read and was adopted by the following vote:

Yeas—27

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Wood
Lock	

Nays—4

Hardeman	Rogers
Herring	Willis

**Senate Bill 478 with House
Amendments**

Senator Roberts called S. B. No. 478 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Roberts moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Roberts, Bradshaw, Fly, Martin and Lane.

**Senate Bill 102 with
House Amendments**

Senator Aikin called S. B. No. 102 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Aikin moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

**House Joint Resolution 48
on Third Reading**

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended and the President laid before the Senate on its third reading and final passage the following resolution:

H. J. R. No. 48, Proposing an amendment to the Constitution of the State of Texas providing that a home rule city may provide by Charter Provision and a general law city operating under the general laws may provide by majority vote of the qualified voters voting at an election called for that purpose, for a longer term of office than two (2) years for its officers, both elective and appointive, but not to exceed four (4) years; provided, however, that tenure under Civil Service shall not be affected hereby; providing for an election, a form of ballot and the issuance of a proclamation therefor.

The resolution was read the third time and was passed by the following vote:

Yeas—26

Aikin	Gonzalez
Ashley	Hazlewood
Bracewell	Herring
Bradshaw	Hudson
Colson	Kazen
Fly	Krueger
Fuller	Lane

Lock	Reagan
Moffett	Roberts
Moore	Rogers
Parkhouse	Secrest
Phillips	Smith
Ratliff	Wood

Nays—4

Hardeman	Weinert
Owen	Willis

Absent

Martin

House Bill 179 on Third Reading

Senator Lane asked unanimous consent to suspend the regular order of business and take up H. B. No. 179 for consideration at this time.

There was objection.

Senator Lane then moved to suspend the regular order of business and take up H. B. No. 179 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bracewell	Moffett
Bradshaw	Moore
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Secrest
Hazlewood	Smith
Herring	Weinert
Kazen	Willis
Krueger	Wood

Nays—5

Hudson	Roberts
Martin	Rogers
Owen	

The President laid before the Senate on its third reading and final passage:

H. B. No. 179, A bill to be entitled "An Act to facilitate the construction, maintenance and operation of State Highways; to amend Title 116, Chapter 1, Revised Civil Statutes of Texas, of 1925, as amended, by adding thereto a new article; declaring the Legislature's mandate that more and better State Highways particu-

larly of the controlled access type, be laid out and constructed, and to provide necessary powers thereto as specified herein; empowering the State Highway Commission in exercising powers within corporate limits and qualifying the exclusive dominion of incorporated cities, towns and villages within certain limits; and declaring an emergency."

The bill was read third time and was finally passed.

Record of Votes

Senators Martin, Fuller, Hudson, Herring, Roberts, Owen, Hardeman and Rogers asked to be recorded as voting "Nay" on the final passage of H. B. No. 179.

Conference Committee Report on House Bill 161

Senator Parkhouse submitted the following Conference Committee Report on H. B. No. 161:

Austin, Texas,
April, 1957

Honorable Ben Ramsey, President of the Senate.

Honorable Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. 161, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

PARKHOUSE
HARDEMAN
KAZEN
WOOD
MOFFETT

On the part of the Senate.

SAUL
WOOLSEY
SADLER
DE LA GARZA
SHAW

On the part of the House.

H. B. No. 161:

A BILL TO BE ENTITLED

An Enabling Act to carry into effect the provisions of the proposed amendment adding Section 49c to Article

III of the State Constitution; defining certain terms; creating the Texas Water Development Board, and prescribing its composition, powers and duties; authorizing the issuance of One Hundred Million Dollars (\$100,000,000) State bonds to create the Texas Water Development Fund; providing the method, manner and mechanics of issuing and paying such bonds; authorizing the Board to issue refunding bonds; requiring the setting aside of certain funds until December 31, 1982 and thereafter for certain purposes; providing for the deposit of certain excess moneys in the General Fund; providing for the investment of moneys set aside to secure such bonds; declaring such State bonds to be legal investments and free from taxation; authorizing the Board until December 31, 1982 to provide financial assistance to certain political subdivisions, public corporations and agencies to construct, acquire, extend or improve certain water conservation projects and prescribing the terms and conditions thereof; authorizing the Board to give financial assistance from the Fund by the purchase of political subdivision bonds, even though such bonds may be secondary to other bonds; limiting the amount of such assistance to each project and political subdivision; authorizing the Board to require that such political subdivision bonds be secured by revenues or taxes or both; providing for safeguards to protect the investment of moneys of the Fund; authorizing the Board to promulgate rules and regulations; providing for the purchase by the Board of supplies through the Board of Control; providing for the hiring of employees and prescribing certain duties; providing for regular and called meetings; appropriating funds to pay the expenses of the Board during the remainder of the biennium and setting employee salary standards; providing a savings clause; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

"Section 1. That this Act shall become effective and operate only upon condition that House Joint Resolution No. 3 adopted by the 55th Legislature, 1957, and proposed as an Amendment adding Section 49c to Article III of the Constitution, shall be adopted; and in that event, the effec-

tive date of this Act shall be the date on which the Governor declares such Constitutional Amendment adopted; otherwise, this Act shall be of no force or effect.

"Section 2. For the purpose of this Act the term:

(a) 'Board' means the Texas Water Development Board.

(b) 'Chairman' means the Chairman of the Texas Water Development Board.

(c) 'Secretary' means the Executive Secretary of the Texas Water Development Board.

(d) 'Water Board' means the Board of Water Engineers or its successor.

(e) 'Political Subdivision' means any political subdivision or body politic and corporate of the State of Texas, and includes any river authority, conservation and reclamation district, water control and improvement district, water improvement district, water control and preservation district, fresh water supply district, irrigation district, and any type of district heretofore or hereafter created or organized or authorized to be created or organized pursuant to the provisions of Article XVI, Section 59 or Article III, Section 52 of the Constitution of the State of Texas; 'political subdivision' also means any interstate compact commission to which the State of Texas is a party, municipal corporation or city whether operating under the Home Rule Amendment of the Constitution or under the General law.

(f) 'Project' means any engineering undertaking or work for the purpose of the conservation and development of the surface water resources of the State of Texas, including the control, storing and preservation of its storm and flood waters and the waters of its rivers and streams for all useful and lawful purposes by the acquisition, improvement, extension or construction of dams, reservoirs, filtration and water treatment plants and other water storage projects, including any system necessary for the transportation of water from storage to points of distribution, or from storage to filtration and treatment plants, including facilities for transporting water therefrom to wholesale purchasers, or for any one or more of such purposes or methods.

(g) 'Weighted average effective in-

terest rate' means that rate which shall be computed by dividing the amount of the net interest cost on all State bonds issued under the provisions of this Act (to be determined by the total value of all coupons thereto attached and deducting all premiums and adding all discounts involved) by the total of the number of years from its date to maturity of each such State bond theretofore issued.

(h) 'Bonds,' unless the context makes reference to the contrary, shall mean the Texas Water Development Bonds authorized or permitted by the Constitutional Amendment submitted at the election held on November 5, 1957.

"Section 3. The Texas Water Development Board is hereby created and declared to be a State Agency for performing the governmental functions authorized by this Act and such other duties as the Legislature may prescribe from time to time. The Texas Water Development Board shall consist of six members appointed by the Governor, with the advice and consent of the Senate. Each of the members of the Board shall have at least ten years of successful business or professional experience and shall be selected from the following groups: One from each of the fields of engineering, business, law, and a farmer or rancher, and two with such experience in the field of public or private finance, and each member shall be from a different section of the State. Of the members first appointed, two shall serve for a term of two years, two for terms of four years, and two for terms of six years. Thereafter, each member shall serve for a term of six years and until his successor is appointed and has qualified. In case of the death or resignation of any member, his unexpired term shall be filled by appointment in the same manner. Each of the six members of the Board is hereby declared to be an officer of the State as defined by the Texas Constitution and each shall qualify by taking the official oath of office prescribed by law.

The members of the Texas Water Development Board shall receive a per diem of not more than Twenty-five Dollars (\$25.00) for each day served in the performance of their duties, together with traveling and other necessary expenses.

The Governor shall designate the

Chairman of the Board who shall serve as Chairman at the will of the Governor. At the first meeting of the Board, a Vice-Chairman shall be elected by the Board from its members who shall serve for a term of two years from the effective date of this Act; thereafter, a Vice-Chairman shall be elected every two years by the members of the Board. Vacancies in the office of Vice-Chairman shall be filled by the Board for the remainder of the unexpired term. The Chairman, or in his absence the Vice-Chairman, shall preside at all meetings of the Board and perform the other duties required by this Act. A majority of the members of the Board shall constitute a quorum to transact business.

"Section 4. The Board, by appropriate action, is hereby authorized from time to time to provide, by resolution, for the issuance of negotiable bonds in a total aggregate amount not exceeding One Hundred Million Dollars (\$100,000,000) and the Board may, upon two-thirds (2/3) vote of the elected members of each House at a subsequent Legislature, be given the power to issue additional negotiable bonds in an amount not to exceed One Hundred Million Dollars (\$100,000,000). All of such bonds shall be on a parity and shall be called the 'Texas Water Development Bonds.' The proceeds from the sale of any bond, or bonds, shall be used for the purpose of creating the Texas Water Development Fund provided for in the Constitution. No bonds shall be sold until the project to be aided thereby has been finally approved by the Board. At the option of the Board, said bonds may be issued in one (1) or several installments. The Bonds of each issue shall be dated, and shall bear interest at a rate not exceeding four per cent (4%) per annum, which interest may, at the option of the Board, be payable annually or semi-annually; shall mature serially or otherwise not later than forty (40) years from their date; and may be redeemable before maturity, at the option of the Board, at such price or prices, and under such terms and conditions as may be fixed by the Board in the resolution providing for the issuance of the bonds. The Board shall determine the form of the bonds, including the form of any interest coupon to be attached thereto, and shall fix the denomination or denominations of said bonds and the place

or places of the payment of the principal and interest thereon. Said bonds shall be executed on behalf of the Texas Water Development Board as general obligations of the State of Texas in the following manner: They shall be signed by the Chairman and Secretary respectively of the Board, and the seal of the Board shall be impressed thereon, and they shall be signed by the Governor and attested by the Secretary of State of the State of Texas with the Seal of the State of Texas impressed thereon. The resolution authorizing the issuance of any installment or series of bonds may prescribe the extent to which facsimile signatures and facsimile seals in lieu of manual signatures and manually impressed seals may be used in executing such bonds and appurtenant coupons. Interest coupons may be signed by the facsimile signatures of the Chairman and Secretary of the Board. In the event any officer whose manual or facsimile signature appears on any bond, or whose facsimile signature shall appear on any coupon, shall cease to be such officer before the delivery of the bonds, the signature shall, nevertheless, be valid and sufficient for all purposes the same as if he had remained in office until such delivery had been made. The resolution may provide for registration of the bonds as to ownership and for successive conversion and re-conversion from registered to bearer bonds and vice versa. Before any such bonds so issued are delivered to the purchasers, the record pertaining thereto shall have been examined by the Attorney General of Texas and said records and bonds shall be approved by him. After such approval, the bonds shall be registered in the office of the Comptroller of Public Accounts of Texas. Such bonds having been approved by the Attorney General and registered in the Comptroller's office shall be held, in every action, suit or proceeding in which their validity is or may be brought into question, valid and binding obligations of the State of Texas. In every action brought to enforce collection of such bonds or any rights incident thereto, the certificate of approval by the Attorney General and a certificate of registration by the Comptroller, or duly certified copies thereof, shall be admitted and received in evidence as proof of their validity. All bonds issued in accordance with and under the provisions of

this Act shall be, and are hereby declared to be negotiable instruments under the laws of this State. The Board is fully authorized to provide for the replacement of any bond which might have become mutilated, lost or destroyed.

"Section 5. The Board is hereby authorized to provide by resolution for the issue of refunding bonds for the purposes of refunding any bonds issued under the provisions of this Act and then outstanding, together with accrued interest thereon. The issuance of such refunding bonds, the maturities and all other details thereof, the rights of the holders thereof, and the duties of the Board in respect to the same, shall be governed by the foregoing provisions of this Act in so far as the same may be applicable. The refunding bonds may be sold and the proceeds used to retire the outstanding bonds or may be used in exchange for the outstanding bonds.

"Section 6. All State bonds hereafter issued pursuant to the provisions of this Act shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, and all other political subdivisions and public agencies of the State of Texas. Such State bonds, when accompanied by all unmatured coupons appurtenant thereto, shall be lawful and sufficient security for all deposits of State funds, and of all funds of any agency or political subdivision of the State, of counties, school districts, cities and all other municipal corporations or subdivisions at the par value of said bonds. Such State bonds and the income therefrom, including the profits made on the sale thereof, shall at all times be free from taxation within this State.

"Section 7. When the Board shall have authorized the issuance of a series of said bonds and shall have determined to call for bids therefor, it shall be the duty of the Board to publish at least one time not less than twenty (20) days before the date of said sale an appropriate notice therefor. Such application shall be made in a daily newspaper of general statewide circulation which is published not less than seven (7) times weekly. Said notice shall also be pub-

lished for such number of times as the Board may determine in one or more recognized financial publications of general circulation published within the State and one or more such publications published outside the State. The Board shall demand of bidders, other than the administrators of the State funds, that their bids be accompanied by exchange or bank cashier's check for such sum as it may consider adequate to be a forfeit guaranteeing the acceptance and payment for all bonds covered by such bids, and accepted by the Board.

"Section 8. No installment or series of said bonds shall be sold for an amount less than the face value of all of the bonds comprising such installment or series with accrued interest from their date, and all of such bonds shall be sold after competitive bidding to the highest and best bidder. The Board shall have the right to reject any and all bids.

"Section 9. All moneys coming into the hands of the Texas Water Development Board shall be deposited in the State Treasury. For the purpose of administering such moneys, there are hereby created the following special funds:

(a) The 'Texas Water Development Clearance Fund,' hereinafter called 'Clearance Fund,' into which shall be deposited all moneys received by the Board except proceeds from the sale of Texas Water Development Bonds and except proceeds from the resale of bonds purchased from political subdivisions, and from which fund transfers shall be made as hereinafter set out.

(b) The 'Texas Water Development Fund,' hereinafter called 'Development Fund,' shall be a revolving fund into which there shall be deposited the proceeds derived from the sale of the Texas Water Development Bonds, and such other moneys as provided in this Act, and which fund shall be used upon the terms and conditions set out in this Act for the purpose of aiding and making funds available to the various political subdivisions for projects and purposes authorized under this Act, and upon the terms and conditions hereinafter set out.

(c) The 'Texas Water Development Bonds Interest and Sinking Fund,' hereinafter called 'Interest and Sinking Fund,' shall be a special fund

into which there shall be accumulated and set aside from the sources hereinafter specified, an amount sufficient to pay all interest becoming due during the ensuing fiscal year on all the Water Development Bonds outstanding, and to pay all such bonds which mature during such fiscal year and collection charges and exchanges thereon, and to establish a reserve equal to the average annual principal and interest requirements on all outstanding Bonds issued under this Act.

(d) The 'Texas Water Development Board Administrative Fund,' hereinafter called 'Administrative Fund,' shall be the special fund into which there shall be transferred, from sources specified in this Act, sufficient moneys with which to pay the administrative expenses of the Board as authorized by appropriations of the Legislature to the Texas Water Development Board for administrative purposes.

"Section 10-A. All proceeds from the sale of the Water Development Bonds shall be deposited to the account of the Development Fund except accrued interest which shall be deposited in the Interest and Sinking Fund.

"Section 10-B. With the exception of proceeds from the sale of Texas Water Development Bonds and proceeds from the sale of bonds of political subdivisions sold in accordance with the provisions of Section 15 hereof, all moneys received by the Board in any fiscal year, including all amounts received as repayment of financial assistance granted under this Act and interest on such loans, shall be paid into and accumulated in the Clearance Fund. Not later than fifteen days following the end of each fiscal year, the funds standing to the credit of the Clearance Fund shall be transferred to the other special funds created by this Act in the following manner:

(a) There shall be determined the amount of interest becoming due on all Water Development Bonds then outstanding, together with the amount of principal of such bonds maturing and becoming payable during such ensuing fiscal year, and there shall also be determined the average annual principal and interest requirements on all outstanding bonds issued under this Act. There shall

be transferred to the Interest and Sinking Fund, after taking into account any moneys already on deposit therein, such amount as may be necessary to pay all such principal and interest maturing on such bonds during the ensuing fiscal year, together with all collection charges and exchanges thereon plus an amount sufficient to establish and maintain an additional reserve equal to the average annual principal and interest requirements on all outstanding Bonds issued under this Act. In the event the amount transferable from the Clearance Fund at the end of any fiscal year and the monies on hand in the Interest and Sinking Fund is insufficient to pay the interest becoming due and the principal maturing on the Water Development Bonds during the ensuing fiscal year, then after the transfer to the Interest and Sinking Fund of so much as is available in the Clearance Fund, the State Treasurer shall transfer out of the first moneys coming into the Treasury of the State of Texas, not otherwise appropriated by the Constitution, such amount as shall be required to pay principal and interest on such Water Development Bonds during such fiscal year.

(b) If, after making the transfers provided in paragraph (a) in this section, there remain other moneys in the Clearance Fund, then to the extent possible there shall be transferred from such fund to the Administrative Fund an amount sufficient to cover the appropriation for administrative appropriations of said Board, as authorized by the Legislature, for the ensuing fiscal year.

(c) If, after making the transfers provided for in paragraphs (a) and (b) in this section, there remain other moneys in the Clearance Fund, the balance of such fund shall be transferred at the end of each fiscal year occurring before December 31, 1982, to the Development Fund, and such moneys so transferred may be used for all of the purposes for which the proceeds of the Water Development Bonds were authorized to be used.

(d) Any funds remaining in the Development Fund on December 31, 1982, shall be transferred to the Interest and Sinking Fund.

(e) After December 31, 1982, after making the transfers provided for in paragraphs (a) and (b) of this sec-

tion, any balance remaining in the Clearance Fund shall be transferred annually at the end of each fiscal year to the Interest and Sinking Fund until such time as there are on deposit in such Interest and Sinking Fund sufficient moneys to pay all bonds then remaining outstanding with interest to maturities; and when such account shall be accumulated in the Interest and Sinking Fund, all amounts collected into the Clearance Fund in excess of the amounts needed to cover authorized administrative expenses shall annually be transferred and deposited into the General Revenue Fund of the State of Texas.

"Section 10-C. The Comptroller of Public Accounts is hereby authorized and directed to make the transfers required under any provision of this Act. The Treasurer of the State of Texas is hereby authorized and directed to pay or cause to be paid principal and interest on Bonds as they mature and come due.

"Section 10-D. All moneys standing to the credit of the Interest and Sinking Fund which may not be needed to pay obligations maturing during the current fiscal year may be invested by the Board in bonds of the United States, or the State of Texas (or of the several counties or municipalities or other political subdivisions of the State of Texas, except bonds issued by any such political subdivision to finance the projects as herein defined); and such Board may sell such bonds, or any of them at the governing market rate; provided, however, to the extent that the resolution or resolutions authorizing the issuance of bonds hereunder further restrict the investment of such moneys in bonds of the United States, such restrictions shall be binding on the Board. Surplus moneys in the Development Fund which may not be needed for at least ninety days may be invested in direct obligations of the United States of America maturing on or prior to the contemplated date on which said funds will be needed.

"Section 11. Until December 31, 1982, The Texas Water Development Fund shall be used by the Board hereof for the purpose of providing financial assistance and aid to the various political subdivisions as defined in Section 2 hereof, in the conservation and development of the water resources of the State of Texas by the construc-

tion, acquisition or improvement of projects, as defined in Section 2 hereof.

"Section 12. No application for financial assistance shall be granted until the political subdivision shall have furnished to the Board a resolution adopted by the Board of Water Engineers certifying:

(a) The feasibility of the project based on preliminary investigation and studies, including the estimated cost of construction, operation and maintenance, and the quantity and quality of water;

(b) That there is an existing need or bona fide future need within a reasonable time, or both, for the water to be provided by the project;

(c) That the applicant is possessed of the necessary permit, or certified filing, authorizing it to impound, or otherwise appropriate and use, the waters to be made available by the project; and

(d) That if a dam is to be constructed or enlarged, the project contemplates the optimum development of the site of the project which is reasonably required under all existing circumstances.

"Section 13. The application for financial assistance from the Texas Water Development Board shall contain the name of the political subdivision, its principal officers, the authority of law under which the political subdivision was created and operates, the total costs of the project, the amount of State financial assistance requested, the plan for repayment of the total costs of the project and such other information as the Board may require to aid in the performance of its duties and for the protection of the public interest.

"Section 14. In passing upon such applications, the Board shall consider the needs of and the benefits to the area to be served by the project in relation to the needs and benefits appertaining to other projects requiring State assistance as well as the availability of revenues from all sources of the political subdivision for the ultimate repayment of the costs of such project, including interest, and whether the project can be financed without assistance of the State.

If after consideration of the foregoing, and the consideration of any

other relevant factors, the Board finds that the public interest requires State participation in the project, that the project can not be financed without State assistance, and if the Board makes the further finding that in its opinion the revenues or taxes or both pledged by the political subdivisions will be sufficient to meet all of the obligations assumed by the political subdivision within not more than forty (40) years, the Board may approve the project within the limits set forth herein.

Application for financial assistance shall be in such form as prescribed herein and by regulations of the Board and shall not be accepted by the Board unless submitted in affidavit form by the officials of the political subdivision as prescribed by the regulations of the Board. Nothing in such regulations shall restrict or prohibit the Board from requiring additional factual material of any applicant.

"Section 15. After the Board has examined an application of a political subdivision for financial assistance from the Fund and determined by resolution that same should be approved, the Board may give financial assistance to the political subdivision by the purchase with moneys out of the Texas Water Development Fund of bonds or other securities issued by the political subdivision for the purpose of providing funds to finance a project. The Board is hereby empowered to purchase such political subdivision bonds or other securities even though such bonds or other securities be secondary, or subordinate to other bonds or other securities issued by the political subdivision to finance the same project for which assistance from the Fund is sought. The Board shall never purchase bonds or other securities which have a maturity date in excess of forty (40) years from date of issuance. The Board shall never purchase bonds or other securities of a political subdivision in excess of one-third ($1/3$) of the total cost of a project for which assistance from the Fund is sought nor in excess of Five Million Dollars (\$5,000,000), whichever is the lesser for any one project. The Board shall never purchase from any single political subdivision bonds or other securities of such political subdivision in excess of Five Million Dollars (\$5,000,000). Such bonds and other securities purchased from moneys in

the Fund by the Board shall bear whichever of the following rates of interest is greater: (a) the weighted average effective interest rate on all State Bonds theretofore sold under the provisions of this Act plus one-half ($1/2$) of one per cent (1%); or (b) the effective interest rate of the bonds sold by the issuing agency for the purpose of providing the remaining funds which are required for the project. The bonds shall bear coupons evidencing interest at such a rate or a combination of rates as shall approximate the effective rate as nearly as the Board shall deem practicable, and the effective rate shall be arrived at by the payment of premiums or the deduction of discounts as necessary. Before purchasing any bonds or other securities of a political subdivision, the Board shall be assured that such bonds or other securities have been approved by the Attorney General and registered by the Comptroller of Public Accounts and after such approval and registration and sale at not less than par and accrued interest, said bonds shall be valid, binding and incontestable. The Board is fully empowered and authorized to sell or dispose of political subdivision bonds purchased with moneys out of the Fund, provided that such bonds are sold at not less than par and accrued interest. The proceeds from such sale shall be deposited to the credit of the Fund and used in the same manner as other funds deposited therein, except accrued interest shall be deposited in the Interest and Sinking Fund. Should the Board determine to sell such political subdivision bonds, competitive bids therefor shall be received and notice of such sale shall be given and the sale conducted in the same manner as in the case of a sale of the State bonds authorized by this Act; provided, however, that the Board shall first have offered said bonds at their par value plus accrued interest to the issuing political subdivision at least thirty (30) days prior to the date of requesting competitive bids; and provided such political subdivision shall have failed within such thirty-day period to give notice to said Board of its desire to acquire such bonds at par and accrued interest.

"Section 16. Unless wholly supported by political subdivision taxes, any bonds or other securities of a

political subdivision which may be purchased by the Board in accordance with the terms of this Act shall be secured by a pledge of all or part of the net revenues which result from the ownership and operation of the project of the political subdivision; the term 'net revenues' as used in this section shall mean the gross revenues of the project after deduction of the amount necessary to provide for principal, interest and reserve requirements of bonds superior to those purchased by the Board and the amount necessary to pay the cost of maintaining and operating the project of the political subdivision and the project properties. In the event of a default in the payment of principal or interest on bonds purchased by the Board, or should any other default as defined in the proceedings or indentures authorizing the issuance of the bonds of such political subdivision occur, the Attorney General of Texas shall thereupon institute appropriate proceedings by mandamus and all other legal remedies to compel the subdivision and/or its officers, agents and employees to perform those duties which they are obligated to perform under the law and under such proceedings or covenants, in order to cure such default. Venue in all actions by the Attorney General to enforce all rights, obligations and covenants in and under said bonds purchased by the Board shall lie in the District Courts of Travis County, Texas. The provisions of this section shall be cumulative of all other remedies available by virtue of the resolution authorizing the issuance of or the terms of any trust agreement securing any such bonds or other securities.

"Section 17. The bonds of a political subdivision which the Board is authorized to purchase with moneys out of the Fund may be financed with income derived from revenues that accrue from operation of the project, may be supported by taxes levied by the political subdivision for that purpose or may be supported by a combination of taxes and revenue and any other revenue available to the political subdivision. The Board, in its discretion and for the protection of the Texas Water Development Fund, may require as a condition precedent to purchasing any bonds of a political subdivision issued to finance a project, that the bonds be supported by both income derived from revenue as

well as moneys collected from taxes, in such a ratio as to assure the Texas Water Development Board that the investment of moneys out of the Fund will be fully secured and protected. The Board shall make such other requirements and impose such other conditions for the purchase of bonds or other securities of a political subdivision as in the opinion of the Board may be commensurate with sound investment practices and in the public interest.

"Section 18. The governing body of every political subdivision receiving State financial assistance from the Texas Water Development Fund shall, in all contracts for the construction of a project, require that the contract shall be paid for in partial payments as the work progresses and such payments shall not exceed ninety per cent (90%) of the amount due at the time of such payment as shown by the engineer of the project. Such contract shall also require that upon completion of said contract, the remaining ten per cent (10%) due thereunder may be paid only after approval by the engineer for the political subdivision as may be required under the bond proceedings and in addition upon obtaining from the Board of Water Engineers a certificate that the work to be done under the contract has been completed and performed in a satisfactory manner and in accordance with sound engineering principles and practices. The Board of Water Engineers shall have the privilege of inspecting the construction of any project at any time to assure itself that the engineering plans of a project, as submitted when approval of the feasibility of the project was sought, are being substantially complied with and that the works are being constructed in accordance with sound engineering principles, but such inspection shall never subject the State of Texas to any action for damages. No substantial or material alteration in the engineering plans of a project shall be made after approval of eligibility unless and until authorization to make such alteration has been given by the Board of Water Engineers. Failure to construct the project according to the plans as approved by or altered with approval of the Board of Water Engineers, failure to construct the works in accordance with sound engineering principles, or failure to

comply with any term or terms of a construction contract, may be considered by the Board of Water Engineers as grounds for refusal to give a certificate of approval for any construction contract. A certified copy of every construction contract entered into and executed by the political subdivision for the construction of the project in whole or in part shall be filed in the office of the Board of Water Engineers. All such contracts shall contain or have attached thereto the specifications for all work included in the contract and the plans and details thereof and all such work shall be done in accordance with plans and specifications.

"Section 19. The Board shall promulgate rules and regulations governing the form and contents of applications for financial assistance for the guidance of applicant political subdivisions (reserving the right to make additional requirements as hereinabove provided) and may make such other provisions as may be deemed necessary or advisable. Such rules and regulations and amendments thereto shall be approved by the Attorney General of Texas and filed with the Secretary of State.

"Section 20. The Board is hereby authorized to purchase through the State Board of Control any and all supplies including, but not by way of limitation, stationery, stamps, printing, record books, and such other things as may be needed at State expense, in order to carry on its functions as a State agency in the performance of the duties herein imposed upon it.

"Section 21. The Board shall meet once each month on a day and at a place selected by it, and continue with each meeting until its docket is cleared, subject to recesses at the discretion of the Board. The Chairman of the Board may call a special meeting of same at any time he thinks necessary, by giving the other members notice thereof. The Board shall select an executive secretary who shall perform all duties required by this Act and by said Board. The Executive Secretary shall execute a bond in a sum to be determined by the Board, approved by the Board, and payable to it. Said bond shall be conditioned upon the faithful performance by the Secretary of his

duties under the law, and for the delivery to his successor or other employee designated by the Board to receive the same, all moneys, books and other property belonging to the State then in his hands or under his control, or with which he may be legally chargeable as Secretary of the Board. The premium on such bond shall be paid out of money available to the Board for administrative expenses. The Executive Secretary shall keep full and accurate minutes of all meetings of the Board and complete records of all its proceedings and transactions and of every resolution and decision made by it. The Secretary shall be custodian of all files and records of the Board. The Board shall procure and adopt a seal bearing the words 'Texas Water Development Board' encircled by the oak and olive branches common to other official seals. The Board is authorized to rent office space and to employ such legal and financial experts, and such employees as may be necessary for the discharge of the duties herein prescribed and required of the Board. It is expressly provided, however, that all engineering services required by the Board in connection with a project under this Act shall be performed by the Board of Water Engineers. The employees of the Board shall be deemed to be State employees, and all civil and criminal laws regulating the conduct and relations of other State employees shall apply in all things to the employees of the Board. All papers, records and archives of the Board shall be placed in a depository selected by the Board and shall be open to public inspection at all reasonable times.

"Section 22. To pay the expense of administering the provisions of this Act, there is hereby appropriated for the use of the Board the sum of One Hundred Forty-Eight Thousand Dollars (\$148,000.00) for the remainder of the biennium, it is expressly provided, however, that this appropriation shall lapse should this Act not become operative as specified in Section 1 hereof. The Board, upon their first meeting following the effective date of this Act shall prepare and file a budget with the Comptroller of Public Accounts, and may amend that budget from time to time provided the following limitations shall be observed:

Salaries, Wages, Per diem, Travel Expense of Employees and Board Members, Postage, telephone, telegraph, Office rental and supplies, equipment, office furnishings and machines and contingent expenses.	1957-58 \$50,000	1958-59 and unexpended balance of previous year \$48,000
Professional Services, Fees, expenses and their travel expenses, and temporary personnel	\$50,000	Unexpended balance of previous year

All employees of the Board shall be paid compensation until the effective date of the next general Departmental Appropriation Act at a rate comparable with the rate being paid by the State to other State employees doing the same or similar type of work. All such employees shall be paid their compensation and perform their duties with the same rules, requirements and regulations of the general law governing the State employees in such respects. After September 1, 1959, employees of the Board shall receive such wages and salaries as may be authorized by the Legislature in Departmental Appropriation Acts. It is provided, however, that no inter-agency contract shall be made between the Board and the Water Board, it being the intent of the Legislature that the services required of the Water Board shall be performed within available appropriations.

"Section 23. If any section, provision or part whatsoever of this Act should be held to be void as in violation of the Constitution, it shall not affect the validity of the remaining portions thereof, and it is hereby declared to be the legislative intent that this Act would have been passed as to the remaining portions thereof, regardless of the invalidity of any part.

"Section 24. The pressing public demand for State assistance to finance water conservation projects, the necessity of preserving, utilizing and conserving the State's most valuable natural resource in the greatest practicable manner, and the importance of this legislation to the people of the State of Texas create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the rule is hereby suspended, and this Act shall be in effect from and after its passage, and it is so enacted."

The report was read and was adopted.

House Bill 938 on Second Reading

On motion of Senator Bradshaw and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 938, A bill to be entitled "An Act making an emergency appropriation to the Adjutant General's Department, supplementing the current appropriation for Martial Law and Emergency Use of Troops, for the remainder of the fiscal year ending August 31, 1957; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 938 on Third Reading

Senator Bradshaw moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 938 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

**Conference Committee Report
on House Bill 418**

Senator Martin submitted the following Conference Committee Report on H. B. No. 418:

Austin, Texas,
May 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Hon. Waggoner Carr, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 418, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

**MARTIN
AIKIN
FLY
HARDEMAN**

On the part of the Senate.

**SMITH of Hays
BOYSEN
ELLIS
SEELIGSON**

On the part of the House.

H. B. No. 418:

**A BILL
TO BE ENTITLED**

"An Act relating to the budget system of the State; repealing Section 4 of Chapter 206, General Laws of the 42nd Legislature, Regular Session, pertaining to preparation and main-

tenance of certain budgetary information by the State Auditor and by other agencies of the Government; amending Sections 6 and 8 of Chapter 206, General Laws of the 42nd Legislature, Regular Session, so as to revise and coordinate budgetary duties of the Governor and the Legislative Budget Board; providing for preparation of annual budgets in the event a Constitutional Amendment providing for annual budget sessions of the Legislature is adopted; providing for severability; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 4 of Chapter 206, General Laws of the 42nd Legislature, Regular Session (Article 689a-3, Vernon's Texas Civil Statutes) is hereby repealed.

Sec. 2. Section 6 of Chapter 206, General Laws of the 42nd Legislature, Regular Session, as amended by Chapter 332, Acts of the 52nd Legislature (Article 689a-5, Vernon's Texas Civil Statutes) is hereby amended to read as follows:

"Sec. 6. Based on information submitted to the Governor in the estimates and obtained by him at public hearings, from inspections and from other sources, the Governor shall compile the biennial appropriation budgets. On such budgets, the list of appropriations shall be shown for the current year preceding the biennium for which appropriations are sought and recommended, and the expenditures shall be shown for each of the two full years next preceding the current year. The budget shall also show the amounts requested by the various agencies and the amounts recommended by the Governor for each of the years of the ensuing biennium."

Sec. 3. Section 8 of Chapter 206, General Laws of the 42nd Legislature, Regular Session (Article 689a-7, Vernon's Texas Civil Statutes) is hereby amended to read as follows:

"Sec. 8. Within thirty days after the beginning of each regular session of the Legislature, the Governor may prepare and submit printed copies of a general appropriation bill for the ensuing biennium to the Speaker of the House of Representatives, to the Lieutenant Governor, and to each member of the House and Senate; provided, however, that in years when a newly elected Governor other

than the then Governor is to be inaugurated, the appropriation bill may be prepared by the incoming Governor and shall be transmitted to the Legislature within twenty days from the date he takes the oath of office.

"The Director of the Budget, under the direction of the Legislative Budget board, shall also prepare a general appropriation bill for introduction at each regular session of the Legislature, and shall transmit copies of the bill to all members of the Legislature and to the Governor within seven days after the convening of any regular session of the Legislature.

"Upon receipt of the general appropriation bill prepared by the Director of the Budget, the Lieutenant Governor in the Senate and the Speaker in the House may, if they so desire, cause such bill to be introduced in the Senate and in the House of Representatives, or it may be introduced by any member of the House or the Senate. A general appropriation bill submitted by the Governor may also be introduced in like manner. Hearings on the appropriation bills shall be conducted before the Appropriation Committee of the House and the Finance Committee of the Senate. The Appropriations Committee and the Finance Committee may, if they so desire, begin preliminary committee hearings on the budget upon receipt of the bill prepared by the Director of the Budget without waiting for submission of the bill prepared by the Governor. All heads of departments, institutions or other agencies of the government requesting appropriations shall have the right to appear before either of these committees in behalf of the appropriation requested. Likewise, any taxpayer in the State shall have the right to be present and to be heard at the hearing on the proposed appropriation."

Sec. 4. Chapter 206, General Laws of the 42nd Legislature, Regular Session, is hereby amended by adding a new section, to be numbered Section 9a, reading as follows:

"Sec. 9a. In the event a Constitutional Amendment providing for annual budget sessions of the Legislature is adopted, all references in the preceding sections of this Act, in Chapter 487, Acts of the 51st Legislature, Regular Session (Article 5429c, Vernon's Texas Civil Statutes) and in Section 7 of Chapter

332, Acts of the 52nd Legislature (Article 689a-4a, Vernon's Texas Civil Statutes) to biennial budgets shall be deemed to mean annual budgets, and all references to biennial sessions or regular sessions of the Legislature shall mean the annual budget sessions.

Sec. 5. If any provisions of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 6. The fact that the changes made in this Act will improve the State's budget system create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

House Bill 217 on Second Reading

Senator Hardeman asked unanimous consent to suspend the regular order of business and take up H. B. No. 217 for consideration at this time.

There was objection.

Senator Hardeman then moved to suspend the regular order of business and take up H. B. No. 217 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Reagan
Hazlewood	Secrest
Herring	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Nays—5

Gonzalez	Roberts
Hudson	Rogers
Owen	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 217, A bill to be entitled "An Act amending Subdivision (2), Acts 1954, Fifty-third Legislature First Called Session, Page 3, Chapter 2, Article III, Sectional; providing for an effective date; and declaring an emergency."

The bill was read second time and was passed to third reading.

Motion to Place House Bill 217 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 217 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—22

Aikin	Lane
Ashley	Lock
Bracewell	Moore
Bradshaw	Parkhouse
Colson	Ratliff
Fly	Reagan
Fuller	Secrest
Hardeman	Smith
Hazlewood	Weinert
Kazen	Willis
Krueger	Wood

Nays—6

Gonzalez	Owen
Herring	Roberts
Hudson	Rogers

Absent

Martin	Phillips
Moffett	

Senate Concurrent Resolution 97

Senator Phillips offered the following resolution:

S. C. R. No. 97, Extending welcome to representatives of Freeport Jaycee Fishin' Fiesta

Whereas, We are honored today to have as visitors in the Senate Ralph Collins, L. K. De Zavala, Tom Dempsey, N. D. Milner, Marshall Fleming, and Bob Whittle; and

Whereas, We desire to welcome these distinguished members of the Freeport Junior Chamber of Commerce to the Capitol Building and Capital City for the purpose of extending an official invitation to the Lieutenant Governor, Speaker of the House and members of the Senate and House of Representatives to the annual Freeport Jaycee Fishin' Fiesta to be held July 4, 5, 6 and 7, 1957; and

Whereas, This is one of the outstanding sports events of the nation; and

Whereas, The greatest number and the largest fish are caught in the Freeport Gulf Coast fishing area; now, therefore, be it

Resolved, That the Senate of Texas take official recognition of their presence and the purpose of their visit, and extend to them the official welcome of the Senate and the House of Representatives and give them the privileges of the floors for the day.

The resolution was read.

On motion of Senator Phillips and by unanimous consent the resolution was considered immediately and was adopted.

Senator Phillips by unanimous consent presented the guests to the Members of the Senate.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

H. B. No. 587, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, and as embraced in Section 3 providing benefits, Section 5 providing for disqualification for benefits, Section 6 providing for claims for benefits, Section 7 providing for contributions, Section 8 providing for duration of coverage, Section 9 providing for the unemployment compensation fund, Section 11 providing for administration, Section 14 providing for the collection of contributions, Section 16 providing for penalties, Section 17

providing for representation in courts, and Section 19 providing definitions of terms, of the Texas Unemployment Compensation Act, as amended (Senate Bill No. 5, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, 1936, as amended); etc.; and declaring an emergency."

H. B. No. 904, A bill to be entitled "An Act creating a Conservation and Reclamation District to be known as the 'Metropolitan Sanitary Sewer District of South Jefferson County'; etc.; and declaring an emergency."

H. B. No. 503, A bill to be entitled "An Act creating the County Court at Law No. 3 of Bexar County; providing the organization thereof and practice therein; providing for the appointment and election of the Judge of said Court; prescribing his qualifications, powers, duties, term of office and compensation; providing for the appointment of an official Court Reporter for said Court; prescribing his qualifications, duties and compensation; providing for the appointment, designation and compensation of other officers of the Court; making other provisions relative to the business and functioning of the County Courts at Law of Bexar County; providing a repealing clause; providing a severability clause and declaring an emergency."

H. B. No. 789, A bill to be entitled "An Act changing the name of 'Abilene State Hospital'; providing for its operation; ratifying contracts; providing qualifications for the Superintendent; providing that epilepsy shall not be a bar to admission to a State institution or public school; repealing certain laws; and declaring an emergency."

H. B. No. 758, A bill to be entitled "An Act authorizing and directing the School Land Board of the State of Texas to charge an appraisal fee; providing that such fee shall be in such amounts as may be fixed by the Board; providing that such fee shall be paid to the Commissioner of the General Land Office; providing for a refund of unused fees; etc.; and declaring an emergency."

H. B. No. 739, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article 16, of

the Texas Constitution, to be known as 'Harris County Eastex Oaks Water and Sewer District'; etc.; and declaring an emergency."

H. B. No. 89, A bill to be entitled "An Act relating to dividends and guaranty funds for credit unions; amending Sections 21 and 22 of Chapter 87, Acts of the 33rd Legislature, Regular Session, 1913, as amended (codified as Article 2481 and 2482 of Vernon's Texas Civil Statutes), so as to provide that in each of the first five fiscal years of the existence of the credit union, twenty per cent, and in each of the remaining fiscal years, ten per cent of the income for such fiscal year which remains after the deduction of expenses shall be credited to a guaranty fund; etc.; and declaring an emergency."

H. B. No. 706, A bill to be entitled "An Act amending Section 3 of Senate Bill No. 302, Acts of the 53rd Legislature, 1953, the same being Chapter No. 195, page 535, Acts of the Regular Session, known as the Calhoun County Navigation District; providing certain powers, duties and limitations; validating such acts; and declaring an emergency."

H. B. No. 62, A bill to be entitled "An Act to amend Section 24 of Chapter 514 of the General and Special Laws of the Fifty-fourth Legislature, Regular Session, 1955, to provide for adequate housing of the Archives Division of the Texas Library and Historical Commission, directing the State Building Commission to provide quarters in the State Office Building to the extent required for proper protection and display of the materials and books held by such Division, and to furnish necessary equipment for such purpose; making an appropriation; repealing conflicting laws; and declaring an emergency."

H. B. No. 46, A bill to be entitled "An Act amending Section 4 of Article II of Chapter 173, Acts of the 47th Legislature, 1941, which is codified as Section 4 of Article 6687b of Vernon's Texas Civil Statutes, by adding thereto Subsection 1a, relating to the issuance of a special license for the operation of a motor scooter or motorized bicycle of five (5) brake horsepower or less; providing severability; and declaring an emergency."

H. B. No. 163, A bill to be entitled "An Act to amend Article 1819 of the Revised Civil Statutes of Texas, as amended by Chapter 33 of the Acts of the Forty-first Legislature, Regular Session, providing for one Court of Civil Appeals to act for another under certain circumstances; and declaring an emergency."

H. B. No. 289, A bill to be entitled "An Act authorizing the Commissioners Courts to regulate the construction of roads or streets in subdivisions situated outside of the boundaries of incorporated towns or cities in counties having a population of not less than forty thousand (40,000) and not more than one hundred eighty-nine thousand, nine hundred ninety-nine (189,999) according to the last preceding or any future Federal Census; authorizing such courts to require a minimum right-of-way for such roads or streets; etc.; and declaring an emergency."

H. B. No. 317, A bill to be entitled "An Act amending Section 3 (e) of Acts of the 45th Legislature, 1937, Chapter 276, Page 556, as amended, (compiled as Article 8280-119, Section 3(e), Vernon's Texas Civil Statutes), by re-enacting said Section 3 (e) of said Act unchanged except for the addition of the specific power, in addition to those already conferred, to the San Antonio River Authority, etc., and declaring an emergency."

H. B. No. 501, A bill to be entitled "An Act creating the County Court at Law No. 4 of Harris County, Texas; providing for the organization thereof and practice therein; prescribing the jurisdiction and term thereof; defining the powers, rights and privileges of the judge thereof; providing for clerks therefor in civil and criminal matters and causes and prescribing their duties; providing for the creation of civil and criminal dockets; providing for the appointment, election and compensation of the judge of the court and prescribing his qualifications; etc.; and declaring an emergency."

H. B. No. 375, A bill to be entitled "An Act relating to gifts of securities and money to minors and to make uniform the law with reference thereto."

H. C. R. No. 64, Granting R. Olsen

Oil Company permission to sue the State.

H. C. R. No. 114, Authorizing either House to take up and consider H. B. No. 952 at any time.

H. B. No. 639, A bill to be entitled "An Act to permit directors of Water Improvement Districts, Water Control and Improvement Districts, or other subdivisions of the State of Texas, organized and operating by virtue of Article XVI, Section 59 of the State Constitution, and laws enacted pursuant thereto, to have their lands annexed to and to form a part of the District of political subdivision aforesaid of the State of which they are directors, or director."

H. B. No. 469, A bill to be entitled "An Act validating the incorporation of all cities and towns of five thousand (5,000) inhabitants or less, heretofore incorporated or attempted to be incorporated under the general laws of this state; validating the area and the boundary lines thereof; providing that this Act shall not apply to any city or town now involved in litigation questioning the legality of the incorporation or any of the acts or proceedings hereby validated, if such litigation is ultimately determined against the legality thereof; providing a severability clause; and declaring an emergency."

H. B. No. 256, A bill to be entitled "An Act amending Section 2 of Article 21.38 of the Insurance Code of Texas, 1951, as amended, said Section 2 to be amended by changing its caption, by retaining some of its provisions, increasing the annual license fee to agents licensed under Article 21.38 to \$100.00; prescribing the fund into which the license fee shall be placed, by placing a tax equal to five (5%) per cent of the premium paid for insurance in such unauthorized insurer, prescribing the manner in which and by whom such tax shall be paid, providing for the filing of an affidavit in form approved by the Board of Insurance Commissioners, requiring certain reports of agents licensed under Article 21.38 and providing a penalty; repealing conflicting laws and parts of laws to the extent of such conflicts; etc.; and declaring an emergency."

H. B. No. 662, A bill to be entitled

"An Act to establish the Probate Court of Tarrant County; etc.; and declaring an emergency."

H. B. No. 791, A bill to be entitled "An Act amending Chapter 206, Acts of the 50th Legislature, as amended (Article 326k-12, Vernon's Texas Civil Statutes), by adding a new section authorizing the purchase and maintenance of automobiles by the county for use of the District Attorney or Criminal District Attorney and his assistants and investigators in the judicial districts included in that Act; and declaring an emergency."

H. B. No. 531, A bill to be entitled "An Act validating the organization and creation of the Brushy Creek Water Control and Improvement District No. 1 of Williamson and Milam Counties; etc.; and declaring an emergency."

H. C. R. No. 105, Authorizing the appointment of a Study Commission to consider the problems confronting public school education.

H. C. R. No. 58, Granting H. B. Neild permission to sue the State of Texas.

H. C. R. No. 57, Granting permission to Lester De Cordova to sue the State of Texas.

H. C. R. No. 97, Granting Center Land Company, Inc., permission to sue the State of Texas.

H. C. R. No. 44, Granting permission to Mrs. M. B. Buford, et al., to sue the State of Texas.

H. C. R. No. 39, Granting Duval Sulphur and Potash Company permission to sue the State.

H. C. R. No. 111, Suspending Joint Rules.

H. C. R. No. 63, Granting permission to Houston Turner to bring suit against the State of Texas.

H. C. R. No. 112, Suspending the Joint Rules so that either House may take up and consider H. B. 217 at any time.

S. B. No. 155, A bill to be entitled "An Act fixing penalties for the failure to pay losses under life, health, and accident policies issued by general casualty companies, local mutual

aid associations, statewide mutual assessment companies, mutual casualty companies, Lloyds organizations, reciprocal exchanges, and corporations operating non-profit, hospital service plans under authority of Chapter 20, Texas Insurance Code; providing for attorney fees for the prosecution and collection of such losses; repealing all laws in conflict therewith; and declaring an emergency."

S. C. R. No. 38, A resolution authorizing W. D. Anderson Company to sue the State of Texas.

S. C. R. No. 96, Enrolling Clerk to make certain corrections in S. B. No. 155.

Recorded Vote on Conference Committee Report on House Bill 620

Senator Fuller asked unanimous consent to be recorded as voting "nay" on the adoption of the Conference Committee Report on H. B. No. 620 adopted on yesterday.

There was no objection offered.

House Bill 8 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading.

H. B. No. 8, A bill to be entitled "An Act amending Article IV of Senate Bill 116, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended by the addition of Section 1-a thereto in Senate Bill No. 1, Chapter 5, Acts of the 53rd Legislature, First Called Session, 1954, and as amended by the addition of Section 1-b and other provisions thereto in House Bill 720, Chapter 436, Acts of the 54th Legislature, Regular Session, 1955, so as to improve the minimum teacher salary schedule in the Foundation School Program Act; providing this Act shall be effective beginning with the school year 1957-58 and thereafter, and declaring an emergency."

The bill was read second time and passed to third reading.

(President pro tempore in the Chair.)

House Bill 8 on Third Reading

Senator Aikin moved that the Con-

stitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 8 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Ashley	Moore
Bracewell	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

Absent

Bradshaw	Martin
----------	--------

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

(President in the Chair.)

House Bill 756 Re-referred

Senator Ashley asked unanimous consent that H. B. No. 756 be withdrawn from the Committee on Finance and re-referred to the Committee on Education.

There was objection.

Senator Ashley then moved that H. B. No. 756 be withdrawn from the Committee on Finance and re-referred to the Committee on Education.

The motion prevailed by the following vote:

Yeas—22

Aikin	Lane
Ashley	Lock
Bracewell	Moffett
Colson	Moore
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Nays—9

Bradshaw	Ratliff
Fly	Reagan
Hazlewood	Roberts
Martin	Weinert
Owen	

Senate Resolution 580

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate five sophomore students from Southwest Texas State Teachers College, San Marcos, Hays County, Texas, accompanied by their teacher, Dr. Leland S. Burgum, Professor of Special Education; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students and Dr. Burgum to the Members of the Senate.

House Bill 588 on Second Reading

On motion of Senator Wood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 588, A bill to be entitled "An Act amending Chapter 451, Acts of the 54th Legislature (Article 118c-3, Vernon's Texas Civil Statutes) relating to inspection and classification of sweet potatoes, so as to make inspection and classification discretionary with the seller."

The bill was read second time and passed to third reading.

House Bill 588 on Third Reading

Senator Wood moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 588 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Moore
Fuller	Owen
Gonzalez	Parkhouse
Hardeman	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Secrest
Lane	Wood

Nays—6

Colson	Smith
Fly	Weinert
Phillips	Willis

Absent

Hazlewood

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Lock, Martin, Aikin, Col-

son, Willis and Weinert asked to be recorded as voting "nay" on the final passage of H. B. No. 588.

Recess

On motion of Senator Hardeman the Senate at 12:01 o'clock p.m. took recess until 2:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p.m. today.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 120, Suspending Joint Rules to permit either House to take up and consider at any time S. B. No. 394.

S. C. R. No. 94, Suspending the joint rules to take up S. B. No. 50.

S. C. R. No. 97, Recognizing visitors from the Freeport Junior Chamber of Commerce.

H. C. R. No. 124, Directing the Enrolling Clerk of the House to delete all of the first sentence in Section 2, H. B. No. 835, after the word "line" and place a period at the end of said Section.

The House has granted the request of the Senate for the appointment of a Conference Committee on S. B. No. 478.

The House has appointed the following Conference Committee: Kelly, Duff, Koriath, Foreman, and Bass.

H. C. R. No. 125, Suspending the Joint Rules so that either House may take up and consider H. B. Nos. 136 and 956 at any time.

The House has adopted the Conference Committee Report on House Bill No. 161 by viva voce vote.

H. C. R. No. 122, Requesting the Governor to return H. J. R. No. 1 to the House for correction.

S. B. No. 70, A bill to be entitled

"An Act amending Article III of Section 1, subdivision (4), paragraph "a," of Senate Bill No. 116, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended, to redefine the words 'mentally retarded children'; and declaring an emergency."

(With amendments.)

S. B. No. 115, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated; providing that before payment of any claim shall be paid from the funds hereby appropriated, the same shall have the approval of the State Auditor, the State Comptroller and the Attorney General; providing further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named; and declaring an emergency."

(With amendments.)

The House has concurred in Senate amendments to House Bill No. 229 by a division vote.

Motion to reconsider the vote by which House concurred was adopted and to table the motion to reconsider prevailed by a viva voce vote.

H. B. No. 367, A bill to be entitled "An Act re-enacting and amending Sections 140, 141, and 142, Article XV, Chapter 421, Acts of the Fiftieth Legislature, Regular Session, 1947, as amended by Chapter 290, Acts of the Fifty-third Legislature, Regular Session, 1953, so as to include steering mechanism within its provisions; and declaring an emergency."

S. B. No. 131, A bill to be entitled "An Act requiring the preparation and publication of an annual financial statement for each school district, junior college district, soil conservation district, road district, or any district organized under Section 52 of Article III or Section 59 of Article XVI of the Constitution of Texas; repealing conflicting laws; and declaring an emergency."

(With amendments.)

The House has granted the request of the Senate for the appointment of

a Conference Committee on S. J. R. No. 1. The committee: Parish, Bass, Atwell, Saul, and Kennard.

S. B. No. 407, A bill to be entitled "An Act to amend the subject matter embraced in Section 4 of the Act, as amended (Senate Bill No. 5, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, 1936, as amended), prescribing benefits eligibility conditions by providing for a waiting period week in addition to the eligibility conditions presently prescribed; providing an effective date of this Act; providing for the repeal of all laws and parts of laws in conflict herewith; providing for the separability of provisions; and declaring an emergency."

(With amendments.)

S. B. No. 238, A bill to be entitled "An Act regulating the sale and manufacture of foods, drugs and cosmetics for the protection of public health in the State of Texas, repealing the following articles of the Revised Civil Statutes of Texas, Articles 4470, 4471, 4472, and 4473; repealing the following articles of the Penal Code of Texas, Articles 706, 707, 708, 709, and 717; and all other laws in conflict herewith, prescribing penalties; and declaring an emergency."

(With amendments.)

H. C. R. No. 119, Commending the Fifty-fifth Legislative Session for accomplishments in dealing with wildlife affairs.

H. C. R. No. 123, Instructing the State Building Commission to decline the bids for temporary air conditioning, provide that the Commission obtains written guarantees that the power unit for permanent air conditioning will be completed before October 1, 1958.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 695 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 695, A bill to be entitled

"An Act to revise and arrange certain statutes of this State relating to delinquent and dependent children, juvenile courts, detention homes, juvenile boards, juvenile officers and domestic relations courts into a consistent whole and under a single title, preserving the substantive law as it existed immediately prior to the passage of this Act; providing a severability clause; providing a savings clause; repealing certain statutes relating to delinquent and dependent children, juvenile courts, detention homes, juvenile boards, juvenile officers and domestic relations courts; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 695 on Third Reading

Senator Kazen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 695 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Bradshaw	Phillips
Colson	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Herring	Rogers
Kazen	Secrest
Krueger	Weinert
Lane	Willis
Lock	Wood
Moffett	

Nays—3

Fly	Martin
Hardeman	

Absent

Hazlewood	Smith
Hudson	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 907 on Second Reading

On motion of Senator Parkhouse

and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 907, A bill to be entitled "An Act providing for a resident hunting license, non-resident or alien hunting license, non-resident migratory bird hunting license; providing for a fee for each license created hereunder; providing for exceptions; etc., and declaring an emergency."

The bill was read second time and passed to third reading.

Motion to Place House Bill 907 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 907 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—22

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Fuller	Phillips
Hardeman	Ratliff
Herring	Reagan
Kazen	Roberts
Lane	Rogers
Lock	Weinert
Martin	Willis
Moffett	Wood

Nays—6

Bradshaw	Hudson
Colson	Krueger
Fly	Secrest

Absent

Gonzalez	Smith
Hazlewood	

House Bill 912 on Second Reading

On motion of Senator Lock and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 912, Amending Statutes relative to abolishing Water Improve-

ment Districts, elections etc., and declaring an emergency.

The bill was read second time and passed to third reading.

House Bill 912 on Third Reading

Senator Lock moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 912 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Weinert
Lane	Willis
Lock	Wood

Absent

Fly	Smith
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 17 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 17, A bill to be entitled "An Act making an emergency appropriation for the Water Resources Committee and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following committee amendment to the bill:

Amend Senate Bill 17 by striking out everything below the enacting clause and substituting the following:

"Section 1. There is hereby appropriated to the Water Resources Committee out of the unexpended balance in the appropriation for necessary travel expenses of members of the Water Resources Committee out of the General Revenue Fund (H. B. 140, General Appropriations Bill), the sum of Seven Hundred Dollars (\$700.00) said appropriation to be used for payment of salaries and wages."

The committee amendment was adopted.

On motion of Senator Hardeman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

On motion of Senator Hardeman and by unanimous consent the motion by which S. B. No. 17 was passed to engrossment was reconsidered.

On motion of Senator Hardeman and by unanimous consent the motion by which the committee amendment to S. B. No. 17 was reconsidered.

Senator Hardeman by unanimous consent withdrew the committee amendment.

Senator Hardeman then offered the following amendment to the bill:

Amend S. B. No. 17 by striking out Sec. 1 and Sec. 2 and substituting as follows:

"Sec. 1. There is hereby appropriated to the Water Resources Committee out of the unexpended balance in the appropriation for necessary travel expense of members of the Water Resources Committee out of the General Revenue Fund of Texas in H. B. 140 Acts 1955, the sum of \$700.00, said appropriation to be used for payment of salaries and wages."

and renumber the last section to be known as Sec. 2.

The amendment was adopted.

On motion of Senator Hardeman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was again passed to engrossment.

Senate Bill 17 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 17 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

House Concurrent Resolution 125 on Second Reading

On motion of Senator Weinert and by unanimous consent the President laid before the Senate on its second reading the following resolution:

H. C. R. No. 125, Suspending the Joint Rules to consider H. B. Nos. 136 and 956.

The resolution was read and was adopted.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. B. No. 182, A bill to be entitled "An Act creating an additional District Court in El Paso County, Texas, to be known as the District Court of the 120th Judicial District; etc., and declaring an emergency."

H. B. No. 337, A bill to be entitled "An Act changing the composition of the 135th Judicial District so as to exclude San Patricio County therefrom; amending Chapter 306, Acts of the 52nd Legislature, as amended by Chapter 86, Acts of the 53rd Legislature, Regular Session, to delete provisions relating to San Patricio County; providing for transfer of cases pending in the 135th District Court in San Patricio County to the 36th District Court in San Patricio County; and declaring an emergency."

H. B. No. 81, A bill to be entitled "An Act to establish and create a Criminal Judicial District of Travis County and a Criminal District Court of Travis County; etc.; and declaring an emergency."

H. B. No. 439, A bill to be entitled "An Act amending Sections 7, 12, 13, 17 and 20 of Chapter 107, Acts of the 41st Legislature, Regular Session, 1929, as amended, codified in Vernon's as Article 4542a, Vernon's Civil Statutes, relating to the regulation of the practice of pharmacy; prescribing the powers and duties of the State Board of Pharmacy; making other provisions relating to the practice of pharmacy; stating purpose of this Act; providing a repealing clause; providing a severability clause; and declaring an emergency."

H. B. No. 479, A bill to be entitled "An Act to amend Article 3.12 of Chapter 3 of the Insurance Code (Acts 1951, 52nd Legislature, Regular Session) so as to provide no "domestic" company shall pay to any of its officers, trustees, or directors a

salary, compensation or emolument, or pay any such salary, compensation or emolument to any person, firm or corporation, amounting in any one year to more than Ten Thousand (\$10,000.00) Dollars, unless such payment be first authorized by vote of the board of directors of such company or by a committee of such board with authority to authorize such payment; providing for exception in favor of the payment of renewal commission to agents; etc., and declaring an emergency."

H. B. No. 482, A bill to be entitled "An Act amending subparagraph (c) of paragraph (1) of Section 1, Article 3.50, subchapter E, of Senate Bill No. 236, Chapter 491, Acts of the Fifty-second Legislature, Regular Session, 1951, to permit the issuance of group life insurance covering not less than ten employees under a master policy issued to an employer or to the trustees of a fund established by an employer; and declaring an emergency."

H. B. No. 498, A bill to be entitled "An Act to amend Article 2135 of the Revised Civil Statutes of Texas, 1925, as last amended by Acts of the 54th Legislature, Chapter 288, Section 2, by providing certain additional exemptions from jury service; and declaring an emergency."

H. B. No. 645, A bill to be entitled "An Act creating the 121st Judicial District, composed of the counties of Aransas, San Patricio, Bee, Live Oak and McMullen to be known as the 121st District Court, providing for the appointment and election of the Judge of the 121st District Court; etc.; and declaring an emergency."

H. B. No. 691, A bill to be entitled "An Act enabling cities to create Hospital Authorities, without taxing power; defining terms used in the Act; prescribing the procedure to be followed in creating such Authorities each to serve one or more cities, the method of appointing directors and election of officers, their powers and duties; restricting the territory of an Authority to boundaries of the City or Cities creating it; etc., and declaring an emergency."

H. B. No. 783, A bill to be entitled "An Act creating an additional District Court in and for the Counties of Austin, Caldwell, Comal, Fayette,

and Hays, to be known as the District Court of the 155th Judicial District; etc.; and declaring an emergency."

H. B. No. 858, A bill to be entitled "An Act changing the name of East Texas State Teachers College to East Texas State College; fixing an effective date; and declaring an emergency."

H. B. No. 900, A bill to be entitled "An Act amending Article 23, Section 1, Revised Civil Statutes, 1925."

H. B. No. 942, A bill to be entitled "An Act authorizing and directing the Texas Prison Board, acting by the Chairman thereof, to execute and deliver to the State Highway Commission of Texas a right of way easement to certain lands in Walker County, Texas, for the construction and maintenance of U. S. Highway 75 By-Pass Loop extending along and across certain State properties known as the Wynne Prison Farm and the Goree Prison Farm; and declaring an emergency."

H. J. R. No. 31, A Joint Resolution "Proposing an amendment to the Constitution of Texas to provide that all county officials for whom four year terms of office were authorized in 1954 must resign such office prior to announcing for a different office when more than one year remains unserved of the term for which they were elected, and providing for the filling of such vacancies in the manner now provided by law."

H. C. R. No. 107, Granting permission to the North Plains Telephone Company, Inc. to sue the State.

S. B. No. 102, A bill to be entitled "An Act amending Section 2 of Article V of Senate Bill 116, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended by Senate Bill 90, Chapter 198, Acts of the 52nd Legislature, Regular Session, 1951, (Article 2922-15, V. C. S., as amended) to eliminate the 1949-50 exception 'cost factor' clause in the fifth paragraph thereof and obsolete subsection (e) in order that transportation funds may be allotted on the formula basis established therein; Authorizing a School Bus Revolving Fund; providing that Senate Bill 355, Chapter 215, Acts of the 52nd Legislature, 1951 (Article 2922-23, V. C.

S.), shall not be construed as repealed by this amendment; providing for an effective date; providing a severability clause; and declaring an emergency."

Report of Standing Committee

Senator Fuller by unanimous consent submitted the following report:

Austin, Texas,
May 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Transportation, to whom was referred S. B. No. 392, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FULLER, Chairman.

Senate Bill 392 Ordered Not Printed

On motion of Senator Herring and by unanimous consent S. B. No. 392 was ordered not printed.

Senate Concurrent Resolution 98

Senator Hudson offered the following resolution:

S. C. R. No. 98, Providing for committee to erect statue to "The Angel of Goliad."

Whereas, During the Texas War for Independence in the year 1836, a certain Mexican woman of noble and exalted character, wife of an officer in the Mexican Army commanded by the Mexican General Jose Urrea, while operating at, near and around Goliad, prompted by the Christian spirit of mercy, acted and served as a nurse to the many soldiers wounded at the Battle of Coleto (which took place during March 19th and 20th) under the command of the Texas patriot, James W. Fannin, and while fighting for the Independence of Texas; and, later, she rendered aid and gave protection to many of said Texas soldiers enabling some to escape, later, the massacre committed at Goliad by the order of the then dictator Santa Anna; and

Whereas, The survivors of said massacre called this good Christian woman "The Angel of Goliad"; and in their writings, which have come to us, have requested that the citizens of the then Republic of Texas (now

a State of the United States of America) should erect a deserving monument to her memory; and

Whereas, It is fitting and proper that the citizens of the now State of Texas should honor said request by erecting a suitable, proper and well-deserved monument in the manner hereinafter provided, in appreciation of, and in gratitude from all loyal citizens of Texas, which shall be named and be dedicated to the memory of "The Angel of Goliad," as a State School of Nursing; now, therefore, be it

Resolved, by the Legislature of the State of Texas, acting herein by and through its Senate and its House of Representatives:

1. That a State Committee be appointed consisting of five (5) citizens of the State who will offer to serve and act freely and without expense to the State of Texas, or to the Special Fund, hereinafter provided. Said committee to be composed of one member from the State Senate of Texas, to be appointed by the Lieutenant Governor, who shall be and act as the chairman; two (2) members from the State House of Representatives, to be selected or appointed by the Speaker of said House; and two (2) worthy citizens from the State at large, to be selected and appointed by the Governor of the State; making the total of the membership of said committee, which shall be known and designated as "The Texas Angel of Goliad Committee," and which shall have and possess all the power and authority necessary to carry out and give effect to all the provisions of this Concurrent Resolution.

2. The chairman of said committee shall be the Senator appointed, as above provided, but the majority of said committee shall select the Vice Chairman, and the Secretary, and any other officers that may seem advisable or necessary; but all of said officers shall agree to serve at their own expense and without charge, either to the State of Texas, or from the Special Fund herein provided. In the event of any vacancy occurring either by death, refusal to act or resignation of its members, said vacancy shall be filled by the Governor, the Lieutenant Governor, and the Speaker of the House, as to the members from the Senate and House of Representatives, and by the Governor of

the State alone as to the members from the citizens at large; so that said committee shall have as its membership: one from the State Senate; two from the House of Representatives and two from the citizenship at large, representing every section of the State, if possible.

3. Said committee shall be authorized and is hereby given the right to solicit and receive from the loyal citizens of this State, voluntary donations, gifts or monies, as well as acreage property and city lots for the location or site where said State School of Nursing should be located, and all property, whether in money or real estate, shall be paid or deeded to the State of Texas; the money freely given or donated by the citizens of the State shall be deposited in a bank or banks of their choice in a Special Fund which shall be designated as "The Angel of Goliad Special Fund," which shall be sacred and dedicated solely for the purpose for which it has been freely given, contributed and donated by the citizens, and shall only be disbursed and paid for the construction of said "Angel of Goliad State School of Nursing." It is a gift of love and, for this reason only, free contributions shall be accepted by the committee; it is a debt of gratitude and, for that reason, it shall not be disbursed or expended, except to honor the memory of a noble and Christian woman. The state committee shall advertise for competitive bids and shall solicit donations from private citizens in the State, and from those cities having one hundred thousand and over, which desire to have said State Institution located in said city of the State of Texas. All monies paid into this Special Fund shall only be disbursed for architect's fees and for the construction of all necessary buildings and equipment, and the beautification of the grounds donated for the location or site of said State Institution, on orders of the State Committee.

4. The State Committee shall have and is hereby given full power and authority to advertise for bids (the costs for such purpose shall also be paid out of the Special Fund); accept the best bids and enter into contract with proper and responsible parties; employ an architect to draw the plans of all necessary buildings and landscaping of the grounds; and to do all things necessary to carry out the

express or implied provisions of this Resolution; now, therefore, be it further

Resolved, That when the State Committee shall have finished and completed all the work hereinbefore outlined, the members of said State Committee shall be fully discharged and the Governor of the State shall publicly thank them in the name of the people and citizens of the State of Texas, and shall issue to each member of said Committee, under the Seal of the State, a certificate of honor bestowing on each one, the title of "Honorary Member of the State Committee of the Angel of Goliad."

The resolution was read.

On motion of Senator Hudson and by unanimous consent the resolution was considered immediately and was adopted.

House Bill 907 on Third Reading

On motion of Senator Parkhouse and by unanimous consent the motion by which the Constitutional three-day rule failed to suspend on H. B. 907 was reconsidered.

Senator Parkhouse then moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 907 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Smith
Kazen	Weinert
Lane	Willis
Lock	Wood
Moffett	

Nays—6

Bradshaw	Krueger
Colson	Martin
Hudson	Secrest

The President then laid the bill be-

fore the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Krueger asked to be recorded as voting "Nay" on the final passage of H. B. No. 907.

House Bill 952 on Second Reading

On motion of Senator Owen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 952, Establishing Winkler County Juvenile Board, etc., and declaring an emergency.

The bill was read second time and passed to third reading.

House Bill 952 on Third Reading

Senator Owen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 952 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Ashley
-------	--------

Bracewell	Moffett
Bradshaw	Moore
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood
Martin	

Presentation of Gift to Senator Bracewell

On motion of Senator Aikin and by unanimous consent the Members of the Harris County Delegation of the House of Representatives were admitted to the Senate Chamber and invited to the President's Rostrum.

Mr. Carlton Moore of the Delegation presented an office chair on behalf of the Members to the Honorable Searcy Bracewell of Harris County.

Senator Bracewell addressed the Senate and Members of the Delegation briefly, thanking them for the gift.

House Bill 400 on Second Reading

On motion of Senator Willis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 400, A bill to be entitled "An Act concerning the State Commission for the Blind, amending Section 1, Chapter 80, Page 122, Acts of the 42nd Legislature, Regular Session, 1931, as amended, providing that two of the appointments by the Governor to the Commission be two reputable blind citizens of the State, instead of having such appointments being made only from graduates of the Texas School for the Blind; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 400 on Third Reading

Senator Willis moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three

several days be suspended and that House Bill No. 400 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Roberts
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

House Bill 217 on Third Reading

On motion of Senator Hardeman and by unanimous consent the motion by which the Constitutional three-day rule failed to suspend on H. B. No. 217 was reconsidered.

Senator Hardeman then moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 217 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Martin
Ashley	Moffett
Bracewell	Owen
Bradshaw	Parkhouse
Colson	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Nays—1

Fly

Absent

Fuller	Moore
Gonzalez	Rogers

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Owen and Fly asked to be recorded as voting "Nay" on the final passage of H. B. No. 217.

Committee Substitute Senate Bill 121 on Second Reading

On motion of Senator Bradshaw and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 121, A bill to be entitled "An Act authorizing and providing for purchase by the State Board of Education of State-owned education films for the use and benefit of the public free school systems; providing for the establishment of a complete system for the distribution of such State-owned films to Film Depository Service-Centers, herein defined; etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

Committee Substitute Senate Bill 121 on Third Reading

Senator Bradshaw moved that the

Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 121 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Concurrent Resolution 93 on Second Reading

On motion of Senator Krueger and by unanimous consent the President laid before the Senate on its second reading the following resolution:

H. C. R. No. 93, Memorializing the United States Congress to immediately repeal the excise taxes now levied unjustly on the transportation of goods and passengers by common carriers.

The resolution was read and was adopted.

(Senator Martin in the Chair.)

Senate Bill 465 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 465, A bill to be entitled "An Act placing all county attor-

neys performing the duties of district attorney on a salary basis of compensation and fixing the minimum and maximum amounts of such salaries; providing for payments by the State into the Officers' Salary Fund of each county having a county attorney performing the duties of district attorney; amending Subsection (b) of Section 13 and Subsection (a) of Section 15, Chap. 465, Acts of the 44th Legislature; etc.; and declaring an emergency."

The bill was read second time.

Senator Bradshaw offered the following amendment to the bill:

Amend S. B. No. 465 by adding a new section to be appropriately numbered to read as follows:

It is the intent and purpose of the Legislature to aid the several counties of the State in compensating County Attorneys performing the duties of Criminal District Attorneys. All such attorneys shall not have any other employment, but shall devote full time to said office.

The amendment was read.

Senator Aikin moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—12

Aikin	Phillips
Ashley	Ratliff
Bracewell	Reagan
Fuller	Secrest
Kazen	Willis
Lock	Wood

Nays—15

Bradshaw	Krueger
Colson	Lane
Fly	Martin
Gonzalez	Moffett
Hardeman	Parkhouse
Hazlewood	Roberts
Herring	Smith
Hudson	

Absent

Moore	Rogers
Owen	Weinert

Question recurring on the amendment, it was adopted.

Senator Fuller offered the following amendment to the bill:

Amend S. B. 465 by striking out the enacting clause.

The amendment was read.

Senator Aikin moved to table the amendment.

Yeas and Nays were demanded.

The motion to table was lost by the following vote:

Yeas—12

Aikin	Moffett
Bracewell	Moore
Gonzalez	Rogers
Kazen	Secrest
Lock	Willis
Martin	Wood

Nays—15

Ashley	Owen
Fly	Parkhouse
Fuller	Phillips
Hazlewood	Reagan
Herring	Roberts
Hudson	Smith
Krueger	Weinert
Lane	

Absent

Bradshaw	Hardeman
Colson	Ratliff

On motion of Senator Aikin and by unanimous consent S. B. No. 465 was Laid on the Table Subject to Call.

House Bill on First Reading

The following bill received from the House was read and was referred to the committee indicated:

H. B. No. 655, To the Committee on Education.

House Bill 194 on Second Reading

On motion of Senator Phillips and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 194, A bill to be entitled "An Act regulating the labeling and sale of hazardous substances for the protection of the public health in the State of Texas, repealing Article 726 of the Penal Code of Texas, and all other laws in conflict herewith; prescribing penalties; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 194, Section 3, Subsection (a), by changing the semicolon (;) following the word "thallium" to a period (.) and deleting the remaining portion of the Subsection.

The amendment was adopted.

Record of Vote

Senator Phillips asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 194, Section 3, by deleting Subsection (b) and substituting in lieu thereof the following:

(b) Any hazardous substance or poison as defined in Section 2 if such hazardous substance or poison has been mixed with food, as food is defined in this Act, except this provision shall not apply to water, or to mixtures where such food has lost its identity and is not likely to be mistaken for food for human consumption. The Commissioner may also for the protection of the public health, after public hearing following due notice, restrict or regulate the packaging and sale of any hazardous or poisonous substance when mixed with food as defined in this Act.

The amendment was adopted.

Record of Vote

Senator Phillips asked to be recorded as voting "Nay" on the adoption of the above amendment.

On motion of Senator Phillips and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 194 on Third Reading

Senator Phillips moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 194 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Reports of Standing Committees

Senator Willis by unanimous consent submitted the following report:

Austin, Texas,
May 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 655, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WILLIS, Chairman.

Austin, Texas,
May 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 756, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senator Herring by unanimous consent submitted the following report:

Austin, Texas,
May 21, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State

Departments and Institutions, to whom was referred H. B. 926, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

House Bill 926 Ordered Not Printed

On motion of Senator Wood and by unanimous consent H. B. No. 926 was ordered not printed.

House Bill 655 Ordered Not Printed

On motion of Senator Secrest and by unanimous consent H. B. No. 655 was ordered not printed.

House Bill 762 on Second Reading

On motion of Senator Gonzalez and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 762, A bill to be entitled "An Act to authorize commissioners' courts to purchase, construct, reconstruct, remodel, improve and equip, or otherwise acquire, an office building or buildings or courts building or buildings, or jail building or buildings (in addition to the existing Courthouse and/or Jail), or an additional building or buildings in which any one or more of the county or district offices or county or district courts, or certain justice of the peace courts, or where the jail, or any other facilities or functions of the county may be housed, conducted, and maintained; including the purchase and, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 762 on Third Reading

Senator Gonzalez moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 762 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Bracewell
Ashley	Bradshaw

Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Lock	Willis
Martin	Wood
Moffett	

Absent

Hazlewood	Moore
-----------	-------

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

House Bill 417 on Second Reading

On motion of Senator Bracewell and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 417, A bill to be entitled "An Act amending Section 79 of the Texas Election Code (Article 7.14, Vernon's Texas Election Code) by adding a new subsection authorizing the authority holding an election, in counties where voting machines have been adopted, in its discretion to appoint a special canvassing board to count and make returns on absentee ballots, and prescribing procedures for absentee voting where a special canvassing board is appointed; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 417 on Third Reading

Senator Bracewell moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 417 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lock
Ashley	Martin
Bracewell	Moffett
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent

Moore

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Concurrent Resolution 122 on Second Reading

On motion of Senator Owen and by unanimous consent the Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 122, Recalling H. J. R. No. 1 from Governor's Office for correction.

The resolution was read and was adopted by the following vote:

Yeas—31

Aikin	Gonzalez
Ashley	Hardeman
Bracewell	Hazlewood
Bradshaw	Herring
Colson	Hudson
Fly	Kazen
Fuller	Krueger

Lane	Reagan
Lock	Roberts
Martin	Rogers
Moffett	Secrest
Moore	Smith
Owen	Weinert
Parkhouse	Willis
Phillips	Wood
Ratliff	

House Bill 478 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 478, A bill to be entitled "An Act to amend Article 3.39 of Chapter 3 of the Insurance Code (Acts of 1951, 52nd Legislature, as amended by the Acts of 1955, 54th Legislature, Page 916, Chapter 363, Section 12) to regulate the investment of the funds of life insurance companies; and declaring an emergency."

The bill was read second time.

Senator Herring offered the following amendment to the bill:

Amend H. B. No. 478 by striking out all of Paragraph 10 thereof and inserting in lieu thereof the following:

"10. Any such company may also invest or loan its funds and accumulations in or upon any other securities, provided such securities are approved by the Board of Insurance Commissioners as being substantially of equal grade and quality as those hereinbefore specified; and provided further that in no event shall the aggregate amount of any such investments under this subdivision exceed the lesser of the following:

"(a) Ten (10%) per cent of the admitted assets of the insurance company making the investment; or

"(b) The total value of such company's surplus and contingency funds over and above its policy reserves.

"This subdivision shall not authorize investment in Real Estate except in accordance with Article 3.40 of this Code."

The amendment was adopted.

Senator Roberts offered the following amendment to the bill:

Amend H. B. No. 478 by striking the enacting clause.

The amendment was read and was adopted by the following vote:

Yeas—20

Bracewell	Moffett
Fly	Owen
Gonzalez	Phillips
Hardeman	Reagan
Hazlewood	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Weinert
Lane	Willis
Martin	Wood

Nays—9

Aikin	Moore
Bradshaw	Parkhouse
Fuller	Ratliff
Herring	Smith
Lock	

Absent

Ashley	Colson
--------	--------

On motion of Senator Parkhouse and by unanimous consent H. B. No. 478 was Laid on the Table.

Senate Bill 485 on First Reading

Senator Gonzalez moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Gonzalez:

S. B. No. 485, A bill to be entitled

"An Act amending Article 6674-n, Revised Civil Statutes of Texas, of 1925, as amended by Chapter 207, Senate Bill No. 531, passed by the Regular Session of the 43rd Legislature, General Laws, page 622, as amended by Chapter 199, House Bill No. 439, passed at the Regular Session of the 44th Legislature, General Laws, page 485, and as amended by Chapter 423, House Bill No. 77, Regular Session of the 54th Legislature, General Laws, page 1128: By adding thereto the words 'or other property' after the word 'land' in the second line of the first paragraph of such Article as codified and by adding such words 'or other property' after the words 'land' or 'materials' as the same thereafter appears in said Act; by defining the word 'property' to mean and include all real and personal property, leaseholders, reversions, remainders, life estates, reservations of title or interest, easements, franchises, certificates of stock, or any evidence of indebtedness, claim, right, title or interest, mineral rights and all other species of intangible or incorporeal property; by providing that where the word 'land' or 'real estate' as used in Article 3264 or other statutes included in Chapter 52, Revised Civil Statutes of Texas of 1925, the same shall include all other 'property' as herein defined; repealing all laws and parts of laws in conflict herewith; providing that should any part of this Act be declared unconstitutional or void same shall not affect the remainder hereof; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Bill 238 with House Amendments

Senator Herring called S. B. No. 238 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Herring moved that the Senate concur in the House amendments.

The motion prevailed.

House Concurrent Resolution 113 on Second Reading

On motion of Senator Lane and by

unanimous consent, the Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 113, Granting H. A. Clements permission to sue the State of Texas.

The resolution was read and was adopted.

House Concurrent Resolution 90 on Second Reading

On motion of Senator Bradshaw and by unanimous consent the Presiding Officer laid before the Senate on its second reading the following resolution:

H. C. R. No. 90, Granting G. Carroll Goen permission to sue the State of Texas and North Texas State College.

The resolution was read and was adopted.

Special Notice

Senator Fly gave notice that he would on tomorrow move to suspend the necessary rules to take up for consideration H. B. No. 187.

Senate Bill 165 with House Amendments

Senator Bracewell called S. B. No. 165 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Bracewell moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill:

Senators Bracewell, Bradshaw, Fly, Reagan, Lock.

(President in the Chair.)

House Bill 463 on Second Reading

On motion of Senator Gonzalez and

by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 463, A bill to be entitled "An Act amending Chapter 118, Acts of 1951, 52nd Legislature, known as Article 4528c, Chapter 7, Title 71, Revised Civil Statutes of Texas, 1925, as amended, be amended by adding a new section thereto to be known as Section 3a, providing that registration bureaus operated without profit by recognized state-wide Licensed Vocational Nurses' Organizations for the enrollment of its members only for the purpose of providing nursing service to the public shall not be liable for the payment of an occupation taxes and/or license fees; repealing all laws in conflict herewith; providing for a savings clause; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 463 on Third Reading

Senator Gonzalez moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that House Bill No. 463 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Secrest
Kazen	Smith
Krueger	Weinert
Lane	Willis
Lock	Wood

Nays—1

Fly

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Concurrent Resolution 118 on Second Reading

On motion of Senator Moore and by unanimous consent, the President laid before the Senate on its second reading the following resolution:

H. C. R. No. 118, Suspending the Joint Rules so that the House may take up and consider S. B. No. 143 at any time.

The resolution was read and was adopted.

Bills Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills subject to the provisions of Section 49a of Article III of the Constitution of the State of Texas:

H. B. No. 8, A bill to be entitled "An Act amending Article IV of Senate Bill 116, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended by the addition of Section 1-a thereto in Senate Bill No. 1, Chapter 5, Acts of the 53rd Legislature, First Called Session, 1954, and as amended by the addition of Section 1-b and other provisions thereto in House Bill 720, Chapter 436, Acts of the 54th Legislature, Regular Session, 1955, so as to improve the minimum teacher salary schedule in the Foundation School Program Act; providing this Act shall be effective beginning with the School year 1957-58 and thereafter; and declaring an emergency."

H. B. No. 938, An Act making an emergency appropriation to the Adjutant General's Department, supplementing the current appropriation for Martial Law and Emergency Use of Troops, for the remainder of the fiscal year ending August 31, 1957; and declaring an emergency."

Adjournment

On motion of Senator Hardeman the Senate at 4:47 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Louis Graham Phares

Senator Herring offered the following resolution:

(Senate Resolution 578)

Whereas, In the passing of Louis Graham Phares of Austin, Texas, on the 15th day of May, 1957, the people of Travis County and the entire State of Texas lost one of its most outstanding and worthy citizens; and

Whereas, Louis Graham Phares, member of a pioneer Texas family, was born on February 16, 1880, in Dallas and attended schools in that city and in Brownwood; and

Whereas, He was a Texas Ranger as a young man and when the Texas Highway Patrol was organized in 1929, he became its first chief; and later became the first Director of the Department of Public Safety; and

Whereas, The manner in which he conducted the work of the Department of Public Safety became a model to be emulated by many other states in these United States, and his high standards of integrity and efficiency which characterized his operation of the Department of Public Safety have remained as yardsticks for its present conduct; and

Whereas, Louis Graham Phares' relentless and tireless efforts brought to justice many enemies of the law, and his colorful and fruitful career as a fearless law enforcement officer brought him the respect and admiration of the entire State; and

Whereas, In recognition of his devoted service to law enforcement, he was elected to life membership in the Texas Chiefs of Police Association, the Sheriffs' Association, and the Tax Collectors and Assessors Association; and

Whereas, The outstanding contributions which Louis Graham Phares has made in the field of law enforcement will long be remembered by the citizens of Texas; and

Whereas, He is survived by his widow, who was the former Miss Rovena Mason Wright whom he married on September 2, 1907, and a daughter, Mrs. Henry G. Richardson of Dallas, and two sons, Leslie G. Phares and Earl Phares, of Austin, and five grandchildren; now, therefore, be it

Resolved, That it is the desire of the Senate of the Fifty-fifth Legislature to pay tribute to this worthy citizen; and be it, further

Resolved, That when the Senate adjourns today it do so in his memory and that a page in the permanent Senate Journal be devoted to the recording of this Resolution; and, be it, further

Resolved, That an enrolled copy of this resolution be sent to all surviving members of his family.

HERRING

Signed—Ben Ramsey, Lieutenant Governor; Alkin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Hudson, Kazen, Krueger, Lane, Lock, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Secrest and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of
Honorable Thomas Hughes Cody, Sr.

Senator Bracewell offered the following resolution:

(Senate Resolution 579)

Whereas, God, in His infinite wisdom, called to rest, after a most distinguished career, the Honorable Thomas Hughes Cody, Sr. of Harris County, on April 29, 1957; and

Whereas, This illustrious Texan was a native of Georgetown, Williamson County, having removed himself to Harris County in the Year 1919 and continuously resided in the City of Houston since that year; and

Whereas, Thomas Hughes Cody, Sr. was a distinguished son of a most respected Texas family, educated in the public schools of Texas, and a graduate of the Columbia Law School; and

Whereas, he served as Assistant United States Attorney and engaged for many years in the private practice of law in the City of Houston, where he distinguished himself as an outstanding lawyer and gained the respect of his fellow-attorneys at the Bar; and

Whereas, for the past twenty years Thomas Hughes Cody, Sr. has served as Judge of the Court of Civil Appeals for the first Supreme Judicial District in Galveston, Texas, and was known and respected for his service in that capacity throughout the State of Texas; and

Whereas, It is only fitting and proper that the Senate of Texas acknowledge with regret the passing of this eminent jurist; now, therefore, be it

Resolved by the Senate of Texas, That this body acknowledge the great service to the State of Texas performed by the late Thomas Hughes Cody, Sr., Judge of the Court of Civil Appeals for the First Supreme Judicial District in Galveston, with the recognition that the distinguished service he rendered to the State will occupy a place in the annals of Texas history; and, be it further

Resolved, That when the Senate adjourns today, it do so in memory of this renowned citizen; and, be it further

Resolved, That enrolled copies of this resolution be transmitted to his surviving wife, Mrs. Gladys Lockett Cody; his sons, Dr. Claude Carr Cody III, Dr. Melville Lockett Cody, and Thomas Hughes Cody, Jr., Assistant City Attorney, all of Houston, and his daughter, Mrs. Gladys Ann Mayberry of Denver, Colorado.

BRACEWELL
SECREST
HERRING

The resolution was read and was adopted by a rising vote of the Senate.